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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,318	10/14/2003	Xinggao Fang	5682A	5027

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EXAMINER	
MATZEK, MATTHEW D	
ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,318	FANG ET AL.	
	Examiner	Art Unit	
	Matthew D. Matzek	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-7,12,14-23,25-32 and 35-43* is/are pending in the application.

4a) Of the above claim(s) *12,14-23,25-32 and 35* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 5-7 and 36-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/07,7/07,8/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. The amendment dated 6/4/2007 has been fully considered and entered into the Record. The amendment to the Specification contains no new matter. Claims 1, 2 and 5-7 have been amended and new claims 36-43 have been added. The new and amended claims contain no new matter. Claims 1, 2, 5-7, 12, 14-23, 25-32, 35-43 are currently pending, but claims 12, 14-23, 25-32 and 35 have been withdrawn from prosecution. Claims 1, 2, 5-7 and 36-43 are currently active. The previously applied art and obvious double patenting rejections have been withdrawn as the applied prior art fails to teach the use of an electrically conductive coating on a textile.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 6 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Green et al. (US 2004/0076792 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Green et al. teach a topical anti-microbial covering treatment comprising silver zeolites or silver zirconium phosphate [0016], anti-static agents (i.e. electrically conductive material) and stain-resistant agents (abstract). The topical coating may comprise fluorocarbons for water repellency [0014]. The coating may further comprise a binding agent [0014].

Claim Rejections - 35 USC § 102/103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 36 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Green et al. (US 2004/0076792 A1).

a. Claim 36 is rejected as the mere use of screen-printing does not necessarily produce a materially different article than that of Green et al. because the claimed screen-printing does not impart any structure to the coating. The presence of process limitations on product claims, in which the product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. *In re Stephens*, 145 USPQ 656.

b. Once the Examiner provides a rationale tending to show that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process, the burden shifts to Applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289, 292.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 5, 7 and 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US 6,251,210) in view of Fraser, Jr. (US 5,804,291).

a. Bullock et al. disclose a fluorochemical treated textile fabric comprising one or more antimicrobial agents, fluoropolymers, and cross-linked resins (col. 4, lines 42-44, col. 12, lines 7-31). The fluorochemicals provide water repellence and stain resistance (col. 12, lines 9-14). The treatment may further comprise methacrylate polymers (col. 11, lines 17-35). Claim 5 is rejected as the applied patent discloses that the anti-microbial agent may triclosan or ZINC OMADINE™ (col. 11, lines 50-59). Zinc pyrithione is the generic name for ZINC OMADINE™. The crosslinking resins and the associated crosslinkers of the instant application are disclosed by the applied patent (col. 12, lines 25-41). Bullock et al. provide for the fluorochemical containing repellent component in that the reference calls for a second coating of the fluorochemical composition to increase repellency (col. 14, lines 61-65). The fabrics useful in the invention of Bullock et al. include woven and knitted fabrics and preferably upholstery (col. 1, lines 1-15). Bullock et al. fail to teach the use of an electrically conductive coating on the fabric.

b. Fraser, Jr. discloses a conductive coating for textile articles such as furniture (col. 1, lines 13-35) comprising a binding agent and carbon black (col. 2, lines 31-50) to form a conductive fabric. The conductive coating may partially penetrate the fabric substrate (claim 2).

c. Since Bullock et al. and Fraser, Jr. are from the same field of endeavor (i.e. coated upholstery fabrics), the purpose disclosed by Fraser, Jr. would have been recognized in the pertinent art of Bullock et al.

d. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Bullock et al. with the coating of Fraser, Jr. motivated by providing the coated fabric with conductivity.

e. Claim 36 is rejected as the mere use of screen-printing does not necessarily produce a materially different article than that of Bullock et al. because the claimed screen-printing does not impart any structure to the coating. The presence of process limitations on product claims, in which the product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. *In re Stephens*, 145 USPQ 656.

f. Once the Examiner provides a rationale tending to show that the claimed product appears to be the same or similar to that of the prior art, although produced by a different process, the burden shifts to Applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Marosi*, 218 USPQ 289, 292.

g. Claim 38 is rejected as the outwardly-facing surface of the Bullock et al. fabric is treated to prevent soiling, it would have been obvious to have applied the coating of Fraser, Jr. on the backside of the Bullock et al. fabric, because Bullock et al. teach that the treated fabric "retains its natural 'hand' or texture and is therefore aesthetically and texturally pleasing" and placing a coating of carbon black on the visible surface of Bullock et al. would detrimentally affect the aesthetics of the treated fabric. Claim 39 is rejected as a pattern of conductive lines is the most efficient and cheapest way to provide the coated fabric with a fully conductive coating. Claim 40 is rejected as both Bullock et al. and Fraser, Jr. teach the use of their inventions in upholstery and it would have been

obvious to extend the use of their inventions to automobile upholsteries. Claim 43 is rejected as it is well known and would have been obvious to replace carbon black with graphite because graphite offers improved conductivity over carbon black.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 5-7 and 36-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is 571.272.2423. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571.272.1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew D Matzek/
Examiner, Art Unit 1771

/Arti Singh/
Primary Patent Examiner
Art Unit 1771
08/15/07